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Chairman

Gary Moccla, P.E.
Vice Chairman

Robert Anderson
Administrator

Date: October 26, 2009

Name of Appellant: Charles Wharton

Service Address: Millenium Records Mgmt. LLC
145 Constitution Blvd
Franklin, MA. 02038

In reference to: 145 Constitution Blvd
Franklin, MA. 02038

Docket Number: 09-772

Property Address: 145 Constitution Blvd
Franklin, MA. 02038

Date of Hearing: 08-25-09

Enclosed please find a copy of the decision on the matter aforementioned.

Sincerely:

BUILDING CODE APPEALS BOARD

Patricia Barry
Patricia Barry, Clerk

cc: Building Code Appeals Board
Building Official

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 09-772

Appellant(s): Millennium Records Mgmt, LLC vs.
represented by Charles Wharton

Appellee(s): City/Town of Franklin
David Roche

Procedural History

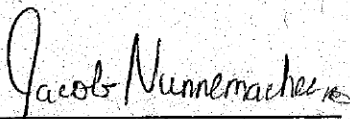
This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant a variance from 6th edition 780 CMR 903.2.1 for 145 Constitution Boulevard, Franklin, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on August 25, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board. Charles Wharton appeared and testified on behalf of the appellant. David Roche appeared and testified on behalf of the appellee.

Discussion

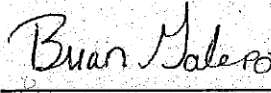
After testimony and discussion of three exhibits, a motion was made to grant the Appellant's request for a variance to the 6th Edition 780 CMR 903.2.1 based on the fact there is a sprinkler system implemented already, the walls are rated for 4 hours, and the doors are self closing which will aid in containment of any fire. There was a second on the motion and a board vote was taken, which was two in favor and none opposed. Jacob Nunnemacher did not take part in this hearing because of prior knowledge on the appeal.

Conclusion

The Appellant's request for a variance to the 780 CMR 903.2.1 is hereby **granted** as described in the discussion above and so ordered² on this date: August 25, 2009.



Jacob Nunnemacher



Brian Gale



Sandy MacLeod

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.